

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SUZANNE DEGNEN, D.M.D., PC. d/b/a
SUNSET TOWER FAMILY DENTISTRY,

Plaintiffs,

v.

MEGADENT, INC., d/b/a
MEGADENT LABS, INC., d/b/a
MEGADENT, d/b/a MEGADENT
LABORATORIES

KIM MARTINEZ, Registered Agent

and

JOHN DOES 1-10

Defendants.

Case No. 4:15-CV-929

JURY TRAIL DEMANDED

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 1453, Defendants Megadent, Inc. and Kim Martinez (collectively "Defendants") file this Notice of Removal of this action from the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, in which it is now pending, to the United States District Court for the Eastern District of Missouri. Removal is proper because this Court has original jurisdiction over claims arising under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (the "TCPA"). In further support of this Notice of Removal, Defendants state as follows:

Commencement and Service

1. On April 30, 2015, plaintiff Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry (hereinafter "Plaintiff") filed a putative class action petition in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County, styled *Suzanne Degnen,*

D.M.D., P.C., d/b/a Sunset Tower Family Dentistry v. Megadent, Inc., et al. Cause No. 15SL-CC01502. Plaintiff alleged that defendants violated the TCPA by distributing unsolicited advertisements via a telephone facsimile machine.

2. Service of the Petition on Defendants was achieved on May 13, 2015. This Notice of Removal is being filed within thirty (30) days of receipt of the Petition as required by 28 U.S.C. § 1446(b).

Grounds for Removal

A. 28 U.S.C. § 1331

3. This Court has original jurisdiction over this action because it arises under a law of the United States, namely the TCPA. *See Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740 (2012).

4. For the foregoing reasons, removal of this action to this Court is proper pursuant to 28 U.S.C. §§ 1441(a) and (b).

Procedure for Removal

5. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, Defendants file herewith a true and accurate copy of all process, pleadings, and orders filed in the state court, including the Petition.

6. Pursuant to Local Rules 81-2.03 and 3-2.02, Defendants file herewith the appropriate filing fee, the Civil Cover Sheet, an Original Filing Form, and a Disclosure of Corporation Interests Certificate.

7. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be provided promptly to Plaintiff's counsel and filed with the Clerk of the Circuit Court of St. Louis County, Missouri under Cause No. 15SL-CC01502.

WHEREFORE, Defendants Megadent, Inc. and Kim Martinez hereby remove the above-referenced action now pending in the Missouri Circuit Court for the Twenty-First Judicial Circuit, St. Louis County to the United States District Court for the Eastern District of Missouri, Eastern Division.

Dated: June 12, 2015

Respectfully submitted,

STINSON LEONARD STREET LLP

By /s/Andrew J. Scavotto
Cicely I. Lubben, #53897
Andrew J. Scavotto #57826
7700 Forsyth Blvd., Suite 1100
St. Louis, Missouri 63105
Telephone: 314-863-0800
Fax: 314-863-9388
cicely.lubben@stinsonleonard.com
andrews.scavotto@stinsonleonard.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2015, the foregoing was served via electronic mail and the Court's electronic operating system on:

Ronald J. Eisenberg
Robert Schultz
Schultz & Associates LLP
640 Cepi Drive, Suite A
Chesterfield, MO 63005-1221
Telephone: 636-537-4645
Fax: 636-537-2599
reisenberg@sl-lawyers.com
rschultz@sl-lawyers.com
Attorneys for Plaintiff

/s/Andrew J. Scavotto